IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 8907 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE JAYANT PATEL

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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MANCHHARAM KEVALRAM CHHUGANI - Petitioner(s)
Versus
BHAVNAGAR MUNICIPAL CORPORATION - Respondent(s)

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Appearance :
MR YN OZA for Petitioner(s) : 1,
MR JR NANAVATI for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE JAYANT PATEL

Date : 21/03/2007

ORAL JUDGMENT

1. The petitioner has preferred the petition for challenging the legality and validity of the resolution dated 6.11.1997 and has prayed to

direct the respondents to permit the petitioner to construct the shop on the land allotted to the petitioner as per the plan.

2. When the matter is taken up for final hearing, Ms.Usha Mehta appearing with Mr.J.R.Nanavati, learned Counsel places on record the communication dated 29.12.2005 received by Mr.Nanavati from the Corporation, whereby it is stated that the Corporation shall undertake the procedure as required under the Gujarat Public Premises (Unauthorised Occupants) Eviction Act and, therefore, it has been submitted on behalf of the respondent Corporation that the petitioner may raise the contentions as and when such notice has been issued.

3. Mr.Gupta appearing with Mr.Oza, learned Counsel states that liberty may be given to the petitioner to raise contentions as may be available in law.

4. In view of the above declaration made on behalf of the respondent Corporation, the contentions which are raised in this petition are not required to be decided as the Corporation is to

undertake the procedure for eviction under the Gujarat Public Premises (Unauthorised Occupants) Eviction Act and the petitioner is to raise the contentions before the authority as and when such proceedings are initiated.

5. Hence, the petition is disposed of with the observations that the respondent authority shall abide the declaration made before this Court as and when such proceedings are initiated, the petitioner may raise the contentions, as may be available in law. Subject to the aforesaid observations and directions, rule discharged. I.R., if any, stands vacated. No order as to cost.

21.3.2007 **(Jayant Patel, J.)**

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